

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 28, 2011

No. 11-10371
Summary Calendar

Lyle W. Cayce
Clerk

WANDA LAFAYE LEE,

Plaintiff - Appellant

v.

CAPTAIN KELLY; P.A. SUPRIS,; UNITED STATES OF AMERICA,

Defendants - Appellees

Appeal from the United States District Court
for the Northern District of Texas
Dist. Ct. No. 4:10-CV-00033-Y

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Wanda Lee appeals the district court's denial of her request for appointment of counsel. We AFFIRM.

Lee sued various prison officials contending that their treatment and housing of her led to her infection with MRSA. She requested appointment of counsel; the district court denied the request and her motion for reconsideration.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-10371

Appellees moved to dismiss this appeal as frivolous after Lee filed her brief on the merits; Lee filed a response to the motion. We determine that it is unnecessary to decide the motion because Lee's brief does not demonstrate that the district court's conclusion that she was not entitled to counsel is in error. Accordingly, we AFFIRM the district court's order and DENY AS MOOT the Appellees' Motion to Dismiss and for Extension of Time to file Appellee's Brief.